

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**THOMAS A. WORCESTER**

**PLAINTIFF**

**VERSUS**

**CAUSE NO.:** 1:20cv133-NBB-DAS

**MID-AMERICA PARTS DISTRIBUTORS  
CORP d/b/a UNION AUTO PARTS**

**DEFENDANT**

**JURY TRIAL DEMANDED**

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**COMPLAINT**

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This is an action to recover actual and punitive damages for sex discrimination and harassment, and for the state law tort of intentional infliction of emotional distress. The following facts support this action:

1.

Plaintiff THOMAS A. WORCESTER is an adult resident citizen of 1215 State Park Road, Tupelo, Mississippi 38804.

2.

Defendant MID-AMERICA PARTS DISTRIBUTORS CORP d/b/a UNION AUTO PARTS is a Tennessee corporation doing business in the State of Mississippi. Defendant may be served with process through its registered agent, C T Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

3.

This action is authorized by the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. Additionally, it is authorized by Mississippi common law, which prohibits intentional infliction of emotional distress. This Court has federal question jurisdiction under 28 U.S.C. § 1331, and civil rights jurisdiction under 28 U.S.C. § 1343.

4.

Plaintiff, male, worked for the Defendant running a route delivering auto parts for approximately one year.

5.

Plaintiff was terminated on July 29, 2019, when he refused to sign a false writeup, which claimed there were problems with his job performance. The real reason the Defendant was writing Plaintiff up, and ultimately fired him, was because of its belief that he was a homosexual.

6.

The store where Plaintiff worked did not employ any females. Plaintiff asked the store manger, Jeremy Jolly, why there were no females working there, and he said that there would never be a female employed at the store while he was the manager because women are stupid. Jolly also told Plaintiff that he would not be able to trust his male employees if women were around.

8.

In fact, the male store workers where Plaintiff was employed were totally focused upon sex. They would almost always talk about their sex lives with women. Jolly participated in this, and often described his own sexual activities with his wife and his girlfriends. When Plaintiff was asked by store employees about his sex life, he responded that he had never had sex. From that point

forward, there were continuous claims that Plaintiff was “gay,” and Jolly made continuous sexual references about “how many dicks Plaintiff had sucked.” Plaintiff was frequently referred to as “queer.” The employees said they knew Plaintiff was queer because he did not have a girlfriend and was not married.

9.

Around May 2019, the company had a fish fry. At the fish fry, Paul Derryberry, the CEO, approached Plaintiff and asked him whether he was homosexual, and then laughed about it.

10.

The harassment became so severe that Plaintiff sought medical treatment, was diagnosed with bell’s palsy, and was told by the nurse practitioner that bell’s palsy is caused by stress and nervousness.

11.

Plaintiff filed an EEOC charge, attached hereto as Exhibit “A,” and received his Right to Sue Letter, attached hereto as Exhibit “B.”

12.

Plaintiff’s discharge was based upon his sex because Defendant believed him to be a homosexual. Defendant is liable to Plaintiff for sex discrimination, sexual harassment, and intentional infliction of emotional distress.

13.

Plaintiff has suffered lost income and mental anxiety and stress.

**REQUEST FOR RELIEF**

Plaintiff is entitled to actual and punitive damages in an amount to be determined by a jury, reinstatement, and attorney fees and costs.

RESPECTFULLY SUBMITTED, this the 25th day of June, 2020.

THOMAS A. WORCESTER, Plaintiff

By: /s/ Jim Waide

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ATTORNEY FOR PLAINTIFF

STATE OF MISSISSIPPI

COUNTY OF LEE

PERSONALLY came and appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named **THOMAS A. WORCESTER**, who, after being first duly sworn, states under oath that the facts contained in the above and foregoing **COMPLAINT** are true and correct as stated therein.

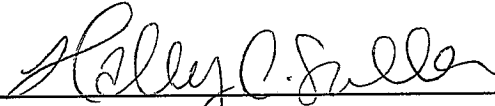


THOMAS A WORCESTER

GIVEN under my hand and official seal of office on this the 19<sup>th</sup> day of June, 2020.

(SEAL)





NOTARY PUBLIC

My Commission Expires:

July 15, 2022